

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN W. PERKINS, ET AL.,
Plaintiffs,

- against -

VERIFIED IDENTITY PASS, INC., ET AL.,
Defendants.

AND RELATED CASES

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09 Civ. 5951

ORDER

This Order follows a conference held on Friday, October 23.

Perkins' motion for a preliminary injunction and preservation order [7] is denied with respect to the preliminary injunction. This Court granted Perkins' request for a preservation order on August 14, 2009, including an order to preserve putative class members' "biographic information." The defendant subsequently registered its objection to ordering the preservation of customers' biographic information other than "names, addresses, phone numbers, and e-mail addresses." The Court now orders that its preservation order [17] be modified in one respect: VIP is ordered to preserve the following types of "biographic information" of putative class members: names, addresses, phone numbers, e-mail addresses, and social security numbers. This Order does not compel VIP to preserve putative class members' iris scans, fingerprints, or digital photographs.

Further, the defendant VIP is ordered to give at least **ten business days'** notice to plaintiffs before entering into any transaction involving the transfer or sale of its assets.

SO ORDERED.

Dated: New York, New York
October 24, 2009

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a series of connected loops and a long horizontal stroke.

Richard J. Holwell
United States District Judge